

REMARKS

Claims 1-6, 9-11 and 32-26 are pending in the Application. Claims 1 and 11 are independent and have been amended. No new matter has been added.

On page 2 of the Office Action, Claims 1, 2, 9, and 32-34 are rejected under 35 U.S.C. §102(b) as being anticipated by Droegemueller, U.S. Patent No. 3,924,628. In order for a reference to anticipate a claim, the reference must disclose each and every element of the claim.

Claim 1, as amended, recites in part, “ablating a desired tissue region, wherein the pressure in the expandable membrane during ablation exceeds the target pressure, and is between approximately 3 to 20 psi.” Droegmueller ‘628 discloses a cryogenic bladder for necrosing uterine tissue, where “[t]he bladder should be inflated to a pressure sufficient to insure firm contact with the tissue to be necrosed, for example, the interior uterine surface, but *should preferably be maintained at about 2 or 3 p.s.i.* to avoid any possible risk of internal injury to the patient,” (Col. 3:58-63)(emphasis added). As explicitly stated, the bladder of Droegmueller ‘628 is preferably kept at a pressure of 2-3 psi, which is less than the range of between 3-20 psi, as stated in Applicants’ Claim 1. As Droegmueller fails to disclose “ablating a desired tissue region, wherein the pressure in the expandable membrane during ablation exceeds the target pressure, and is between approximately 3 to 20 psi,” then Droegmueller cannot anticipate Applicants’ Claim 1. Accordingly, the rejection is unsupported by the art, and it is respectfully requested that the rejection under 35 U.S.C. §102 be withdrawn.

On page 4 of the Office Action, Claims 3, 6, and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Droegemueller (‘628) in view of Yamaguchi, U.S. Patent No.

5,433,740. Similar to Claim 1, Claim 11, as amended, recites in part, “ablating the desired tissue region, wherein the pressure in the expandable membrane during ablation exceeds the target pressure, and is between approximately 3 to 20 psi.” As discussed above, Droegmueller ‘628 specifically states the bladder is preferably kept at a pressure of 2-3 psi, which is outside of a range between 3-20 psia as stated in Applicants’ Claim 1. Moreover, Yamaguchi ‘740 discloses having “coolant circulation pressure may be made at about 1000 mm H.sub.2 O, for example, in the treatment of the esophagus,”(Col. 4: 60-62), where 1000 mm of water equates to about 1.422 psi. As such, neither Droegmueller nor Yamaguchi discloses or renders obvious “ablating a desired tissue region, wherein the pressure in the expandable membrane during ablation exceeds the target pressure, and is between approximately 3 to 20 psi,” as stated in Applicants’ Claim 11. As a result, the rejection is unsupported by the art, and a withdrawal is respectfully requested.

On page 6 of the Office Action, Claims 4 and 5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Droegemueller (‘628) in view of Yamaguchi (‘740) and further in view of Edwards, U.S. Patent No. 6,258, 087. Claims 4 and 5 depend from amended independent Claim 1, and are thus believed to be allowable.

On page 6 of the Office Action, Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Droegemueller (‘628) in view of Stern, U.S. Patent No. 5,443,470. Claim 10 depends from amended independent Claim 1, and is thus believed to be allowable.

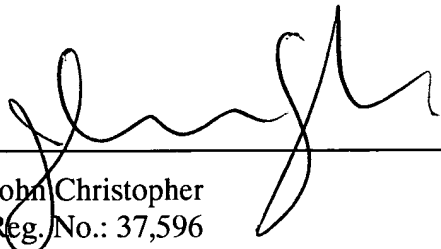
On page 7 of the Office Action, Claims 3, 35, and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Droegemueller (‘628) in view of Joye, U.S. 2002/0045894. Claims 3, 35 and 36 depend from amended independent Claim 1, and are thus believed to be allowable.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-6, 9-11 and 32-26 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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